

REMARKS/ARGUMENTS CONCERNING AMENDMENTS

The amendment to Claims 1, 8 – 10 and 32 and the addition of new Claims 34 – 40 draw full support from the Application and do not constitute new matter. Applicant amends Claims 1, 8 – 9, 11 and 32 to substitute “consisting essentially of” for “comprising”. The latter term necessarily encompasses the former term. Applicant also amends Claim 1, line 1. to add “resin” after “thermoplastic” to make it consistent with part (b) of Claim 1. Applicant amends Claim 10 by adding the thermoplastic resin selection previously added to Claim 1.

New Claims 34 – 40 draw support from Claim 1 as previously amended, from the Examples and, in some instances, from page 6 of the Specification. Claim 34 draws support from Claim 1 and Example 1. Claim 35 draws support from Claim 1, Example 2 and page 6, lines 17 – 18. Claim 36 draws support from Claim 1 and Example 3. Claim 37 draws support from Claim 1, Example 4 – 8 and 14 – 16, and page 6, lines 12 – 15. Claim 38 – 40 draw support from Claim 1 and, respectively, from Example 9, Example 10 and Examples 11 – 13.

REMARKS/ARGUMENTS CONCERNING THE REJECTIONS

The teachings of Korpman do not anticipate the invention embodied in Claims 1 – 6, 8 – 11 and 32 – 40. In order to qualify as an anticipating reference, Korpman must disclose each element of the claimed invention. Korpman does not do so. Accordingly, Korpman does not support a rejection under 35 USC 102.

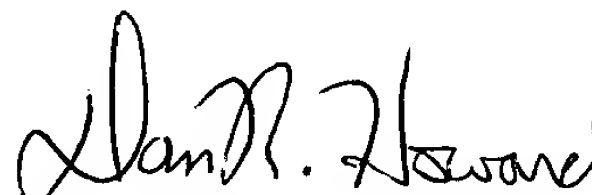
Korpman requires an elastomeric polymer matrix. See e.g. column 1, line 56, column 3, line 38, Claim 1 and the Abstract. Korpman elaborates on “elastomeric polymer” or “elastomer” beginning at column 8, line 15 and ending at column 9, line 63. Korpman’s use of “thermoplastic” occurs only as part of a combined term “thermoplastic – elastomeric” or “thermoplastic elastomeric block copolymers”. Thermoplastic end blocks do not exist as distinct polymers. Skilled artisans readily understand that a thermoplastic elastomer is an integral polymer with thermoplastic blocks and elastomer blocks.

Korpman neither teaches nor suggests any of the thermoplastic polymers listed in pending Claim 1. In the absence of such a teaching or suggestion, Applicant respectfully submits that Korpman does not anticipate any of the pending claims.

Korpman fares no better when used to support an obviousness rejection. Korpman clearly mandates an elastomeric polymer, either a thermoplastic – elastomer, such as a styrene – butadiene block copolymer, a natural rubber or an synthetic rubber. Nothing in Korpman either teaches nor suggests eliminating the elastomeric polymer or replacing even part of the elastomeric polymer with a thermoplastic polymer. To suggest that Korpman supports such a substitute is to directly contravene the clear teachings of Korpman and move away from those teachings. Korpman simply does not support such action.

Applicant respectfully requests withdrawal of the rejection and allowance of Claims 1 – 6, 8 – 11. and 32 – 40 at an early date. Applicant reserves the rights to refile cancelled claims 12 – 31 in a divisional application.

Respectfully submitted,



Dan R. Howard

Registration No. 30,070

Phone: (989) 636-7494

P. O. Box 1967
Midland, MI 48641-1967
DRH/akm